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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/352,661      | 07/07/1999  | CHUK DAVID CHAN      |                     | 2561             |

7590 08/20/2002

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EXAMINER

HO, TUAN V

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|------------------------------|------------------------|---------------------|--|
|                              | 09/352,661             | CHAN, CHUK DAVID    |  |
| Examiner                     | Art Unit               |                     |  |
| TUAN HO                      | 2612                   |                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 August 2002.

2a)  This action is **FINAL**.                  2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,2,4-6,8,9,11-16,18,20 and 22-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,4-6,8,9,11-16,18,20 and 22-25 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6)  Other: \_\_\_\_\_

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1. The Finality of the last Office action has been withdrawn due to new grounds of rejection.
2. The terminal Disclaimer filed 6/3/02 overcomes the double patenting rejections.
3. Applicant's arguments filed 8/7/02 have been fully considered but they are not persuasive.

With regard to claims 1 and 16, Applicant argues:

- 1) Masaki does not discloses any manual trigger. In response to the argument, the examiner notes that the on/off switch of Masaki is considered as a manual trigger since after the switch is turned on, the trigger will activate the camera upon receiving signals from sensors. Based on the interpretation, claimed manual trigger is not different from the on/off switch of Masaki.
- 2) The argument in the last paragraph of page 12 of the remarks is not relevant since claims do not recite the limitations.
- 3) "The only triggering action or device discussed by Masaki is automatically". In response to the argument, the examiner notes that after manually switching power on by switch 2d, the triggering action activate the camera upon receiving signals from sensors.

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4) Masaki does not discloses any handheld device. In response to the argument, the camera of Masaki can be removed in order to carry a user so as to be considered as a handheld device.

For the above reasons, the rejection is repeated.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear to what type of devices the claims refer.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 22 and 24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not disclose claimed "any human induced trigger event" although the specification discloses some induced events.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, 8-9, 11-16, 18, 20, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Masaki (JP 9-226635 cited by Applicant).

With regard to claim 1, 2, 4, 5, 6, 8-9, 15, Masaki discloses in Fig. 3 a camera system that comprises the same means for continuously capturing an actual visual scene (camera 5), means for buffering up (image recording means 7 and

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recording medium 4), means for preserving buffered scene (recording medium 4), and means for manually triggering as claimed (manual switch 2d).

With regard to claim 11, Masaki discloses the same housing means (housing 2).

With regard to claim 12, Masaki discloses the same means for capturing sound waves (microphone 2c).

With regard to claims 13 and 14, Masaki discloses the same installation means (Fig. 6 shows an installation device which is used to hold the camera).

Claims 16-18, 20-25 recites what was discussed with respect to claims 1-2, 4-6, 8-9, 11-15.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (703) 305-4943. The examiner can normally be reached on Monday-Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

th

August 20, 2002



TUAN HO  
PRIMARY EXAMINER